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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : LUTZ HEUER ET AL.  
SERIAL NO. : 09/901,979  
FILED : JULY 10, 2001  
FOR : MICROBICIDAL COMPOSITIONS  
ART UNIT : 1616  
EXAMINER : A. Robinson

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July 18, 2002

Hon. Commissioner of Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

SIR:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants respectfully request that the Examiner consider the references listed on the attached Form PTO-1449.

I. Timeliness, Fees and Certifications in lieu of Fees

- ☐ A. This information disclosure statement is being filed within three months of the filing date of the application, or within three months of entry into the national stage, or before the mailing of a first Office Action on the merits. Pursuant to 37 CFR § 1.97(b), consideration of this information disclosure statement does not require a fee or a statement under 37 CFR § 1.97(e). However, should the Assistant Commissioner determine that a fee is, in fact, due, the Assistant

Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263.

- ☒ B. This information disclosure statement is being filed after the period in A above, but before the mailing of either a final action or a notice of allowance. Pursuant to 37 CFR § 1.97(c), consideration of this information disclosure statement requires a fee or a statement under 37 CFR § 1.97(e):
- ☒ 1. The Assistant Commissioner is hereby authorized to charge the fee set forth in 37 CFR § 1.17(p) to Deposit Account No. 14-1263.
- ☐ 2. Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ 3. Applicants hereby state that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56 more than three months prior to the filing of this information disclosure statement.
- ☐ C. This information disclosure statement is being filed after the period specified in B above, but on or before the payment of the issue fee. Pursuant to 37 CFR § 1.97(d), consideration of this information disclosure statement requires a petition, which Applicants hereby request, and payment of the petition fee, which is set forth in 37 CFR § 1.17(i), and which the Assistant Commissioner is

hereby authorized to charge to Deposit Account No. 14-1263. Consideration of this information disclosure statement also requires a statement under 37 CFR § 1.97(e):

- ☐ 1. Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ 2. Applicants hereby state that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56 more than three months prior to the filing of this information disclosure statement.

## **II. Copies of Listed References**

- ☒ A. Copies of all references listed on the attached Form PTO-1449 are being supplied.
- ☐ B. Copies of all references listed on the attached Form PTO-1449 have already been supplied during the prosecution of prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, from which the present application claims priority pursuant to 35 USC § 120. Therefore, pursuant to 37 CFR § 1.98(d), copies of the references listed on the attached Form PTO-1449 are not now being supplied.
- ☐ C. This application is a PCT national stage application, all references listed on the attached Form PTO-1449 were cited in the international search report, and

PCT/DO/EO/903 indicates that both the international search report and the copies of the references listed on the attached Form PTO-1449 are in this national stage file. Therefore, copies of the references listed on the attached Form PTO-1449 are not now being supplied.

### III. Concise Statement of Relevance

- ☐ A. All references listed on the attached Form PTO-1449 are in the English language, and, therefore, a concise statement of relevance is not required.
- ☒ B. A concise statement of the relevance of all references listed on the attached Form PTO-1449 that are *not in the English language*, is being provided on a separate sheet.
- ☐ C. All references listed on the attached Form PTO-1449 were cited in the partial search report issued by the European Patent Office and/or the International search report, and an English-language version of the search reports, which indicates the degree of relevance found by that Patent Office, are attached.
- ☐ D. This application is a PCT national stage application, all references listed on the attached Form PTO-1449 were cited in the international search report, and a copy of that search report, which indicates the degree of relevance found by the International Search Authority, is attached.
- ☐ E. All listed on the attached Form PTO 1449 were cited during the prosecution of the prior application indicated above under II.B.

### IV. Additional Information

- ☐ A. In addition to the references listed on the attached Form PTO-1449, Applicants wish to bring to the attention of the Examiner the following abandoned

or co-pending U.S. patent applications:

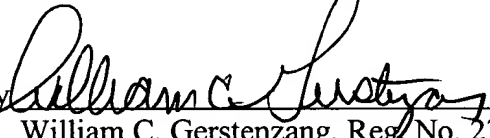
[Pursuant to 37 CFR ' 1.98(a)(2)(iii), copies of these applications are not being submitted.]

- ☒ B. In addition of the references listed on the attached Form PTO-1449, Applicants wish to bring to the attention of the Examiner the information provided on the attached sheet.

Consideration of the foregoing in relation to this application is respectfully requested.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

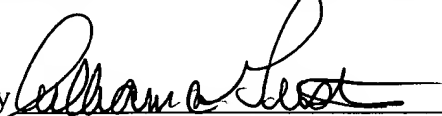
By   
William C. Gerstenzang, Reg. No. 27,552  
For Kurt G. Briscoe, Reg. No. 33,141

220 East 42<sup>nd</sup> Street  
30<sup>th</sup> Floor  
New York, New York 10017  
(212) 808-0700

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Hon. Commissioner of Patents, Box Issue, Washington, D.C. 20231 on July 18, 2002.

NORRIS McLAUGHLIN & MARCUS, P.A.

By   
William C. Gerstenzang



LUTZ HEUER ET AL.  
USSN 09/901,979

**Concise Statement of Relevance of Non-English References:**

- EP 0554 833: Relates to fungicidal agents having a combination of cyproconazole and inorganic or organic ammonium salts.
- DE 3406993: U.S. equivalent is US Patent No. 4,664,696.